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# Virginia Law Register

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## REMINISCENCES OF SOME OF THE DEAD OF THE BENCH AND BAR OF RICHMOND.

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AN ADDRESS DELIVERED BEFORE THE RICHMOND BAR ASSOCIATION BY JUDGE  
GEORGE L. CHRISTIAN OF THE RICHMOND BAR, DECEMBER 9TH, 1908.

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Continued from January number.

RALEIGH TRAVERS DANIEL, was a distinguished member of this bar, and one of the most distinguished of the attorneys-general of Virginia. Indeed, I do not think it will be controverted by any one who knew him when I say that he was one of the most accomplished lawyers and, perhaps, the greatest genius in many ways, we ever had at this bar. He was a scholar, a wit, a musician and, of course, a delightful companion. He had a voice and manner that would grace and charm any occasion at any time or place. He represented Virginia in the great boundary line controversy with Maryland, and I remember to have heard many remark at the time the great satisfaction they felt that Virginia had such an able and accomplished representative in that controversy.

He had a good practice, but was a poor financier, and, consequently was, as old Milton Ferguson, Richmond's old sergeant, used to say, "in a chronic state of *pushiation*." I remember seeing him one day in the Clerk's office examining a bundle of chancery papers, when a poor woman came in and asked him to give her some money. He looked up at her and said in a most gracious and polite way, "My dear madam, I am sorry I can't help you, but the truth is, if I was as clean of sin as I am of money, I would go to heaven as a patent saint."

His habit was to walk with both hands in his breeches pockets. I saw him one day passing by General Henry A. Wise, who almost always had something to say to every one; and the General cried out to him, "Take your hands out of your d——n pockets, sir." Mr. Daniel, without scarcely noticing the General, said, "I prefer to have my hands in my own pockets rather than

have them in some other man's pockets," and walked on as if nothing had occurred.

He was for many years before he was made Attorney-General, the City Attorney, but his duties as such were very different from those pertaining to that office now. It is true he defended suits brought against the city and prosecuted those brought by it; but suits for damages for injuries were of rare occurrence then, and the municipality was conducted in the most simple and economical way, with but little legal advice, and with no investigations or scandals of any kind. He served one term as Attorney-General and had been renominated, without opposition, for a second term, but died suddenly before the election. He was succeeded by General James G. Field of Culpeper, a one-legged Confederate soldier, and a gallant gentleman.

GENERAL HENRY A. WISE was not only a distinguished member of this bar, but he was a national figure in politics before the war. I shall, therefore, only refer for a moment to his career at this bar where I saw a great deal of him. As before stated, he did not have a large practice, but spent much of his time about the courts, and was generally talking, and always interestingly, to a coterie of friends who would gather about him. Indeed, he was, without exception, the most interesting conversationalist that I ever heard. He could talk instructively and interestingly about any and everything. He could tell the shoemaker how best to fix his last and thread, the carpenter how best to handle his plane and saw, and he actually told me how best to wear an artificial limb. His descriptive powers were marvelous. I once heard him describe a drove of wild cattle, and he referred to the frightened yearlings with their pellucid horns, glaring eyes, distended nostrils and uplifted tails. He was at times among the most eloquent speakers that I ever heard. In arguing his cases, whilst always interesting and frequently strong and effective, he was not always coherent or relevant. There was no time limit in the argument of cases in the lower courts in that day, and I have heard General Wise speak the whole day in an unimportant case. As I have before intimated, his arguments were sometimes irrelevant, and as an illustration of this, I heard him discuss

the divinity of the Savior, most interestingly, too, in the trial of a suit for breach of contract for the non-delivery of lumber.

His reminiscences of public men, especially those of Clay, Calhoun; Webster, Jackson, Benton, Harrison, Tyler and others, were simply delightful. He was a genius, and "a grand old man" in many ways. Whilst, as before stated, he did not have a large practice, he was employed in some very important cases, among others, in the mayoralty contest between Cahoon and Ellyson, which was decided by the Court of Appeals at the time of the Capitol disaster. Unlike your speaker, he was not in the room at the time of the crash, and consequently did not go down in that terrible scene of destruction. I remember he was the first to reach me after I had been extricated from the ruins, and I shall never forget the kind and sympathetic way in which he talked and ministered to my sufferings.

He had as much genuine grit and spirit as any man, and no matter what his surroundings were, his motto was, *nil desperandum*. He showed this on the retreat to and at Appomattox, and was especially complimented by General Fitzhugh Lee in his last report of that retreat; and General Robert E. Lee remarked to him on the day of the surrender, when General Wise was eloquently encouraging his troops, with the red stains of mud on his face left from having washed it in muddy water with no towel to wipe it off, "General Wise, you have on your war paint this morning."

GEORGE DOUGLAS WISE, a nephew and law partner for a time of General Henry A. Wise, was another of the noted members of this bar. He was not what would be termed a thoroughly trained lawyer, but he had fine powers as an advocate, and was one of the most dangerous men to have the "last say" that I ever knew. He was the Attorney for the Commonwealth in my court when he was first elected to Congress, and was his own successor in Congress for six or seven terms. He was very popular, and was a member of the convention of 1901, in which, as in all other public trusts, he served his state and country with fidelity and ability.

PEACHTY R. GRATTAN was another distinguished member of this bar. His name will, of course, remain a "household word" with

lawyers for all time because of the Supreme Court Reports which bear that name. He was an accomplished lawyer, and one of the truest and best men, as well as one of the finest Christian characters that I ever knew. The only thing of which he was afraid was of doing wrong, and there was no persuasion or power that could swerve him one iota from the path of right and duty as he saw it. Whilst rigid and, sometimes, seemingly harsh in the line of conduct which he marked out for himself and would have others go, he was always just and charitable, especially in dealing with the weak. I was very fond of him, and I have reason to know he was fond of me. I shall never forget his coming to me on one occasion when I was suffering and, patting me on the head, said, "My boy, I love you, and will help you in any way in my power." Words like these sounded strangely in my ears in those days, and so they sank deep in my heart. Mr. Grattan was a public-spirited and useful citizen. He served his city in the council and in the legislature, and always with fidelity and ability. He was a good man, a good lawyer, a good citizen and a good Christian.

ANDREW JOHNSTON was another distinguished member of this bar. He was an accomplished lawyer and a learned man, and especially accomplished in chancery practice and pleading. Indeed, I think he was one of the best chancery lawyers that I ever knew, and whilst his powers as an advocate were meager, he was an "all 'round" good lawyer. He practiced in Illinois in early life, and was clerk of the House of Delegates of that state. He knew Mr. Lincoln well, and had a better opinion of him than any one else in this section at that time. I remember his saying that Lincoln was a kind hearted man, and illustrated it by stating that when his (Johnston's) nephew was a prisoner of war during the time the cartel of exchange was suspended, there was some urgent reason why this nephew should be exchanged. So he wrote to Mr. Lincoln, telling him the reasons for the exchange of this nephew, and Mr. Lincoln had him sent home at once.

When Mr. Lincoln came to Richmond after the evacuation, he spent the day in the house formerly occupied by President Davis. Mr. Johnston called to see him and sent his card, but in the confusion of the day Mr. Lincoln did not get it. Mr. John-

ston told me afterwards that he heard from a friend in Washington that Lincoln had said one of his chief reasons for coming to Richmond was to see his old friend, Andrew Johnston, and he expressed the deepest regret that he had not done so.

Mr. Johnston was one of the most sensitive men that I ever saw. He would get mad at the drop of a hat, and would fight or insult you in an instant if he thought you were trying to take an undue liberty with him. It was said that it was "less dangerous to try to disturb a Polar bear at his midday meal than Mr. Andrew Johnston when in the examination of a bundle of chancery papers." But no one lamented these displays of temper more than he, or was more ready to repair a wrong done by them.

For many years he was a partner, first with Mr. Charles U. Williams, under the firm name of Johnston & Williams. Subsequently when Mr. Aubin L. Boulware came to the bar he was admitted, and the firm name then became Johnston, Williams & Boulware.

JOHN OVERTON STEGER was another distinguished member of this bar, and was thought by many to be one of the best lawyers, from the Police Court to the Court of Appeals, at the bar. Not many years ago, a client who had first had Mr. Steger and afterwards Colonel W. W. Gordon as his counsel, employed one of the present leaders of this bar, and after talking with him some time, remarked that since the death of Mr. Steger and Colonel Gordon, "all the good lawyers in Richmond were dead."

Mr. Steger, like Mr. Johnston, was very quick-tempered; but, like him too, he was always ready to repair a wrong. He was known on more than one occasion to throw his inkstand at a client's head; but no man ever had more loyal and devoted clients than he; and the reason for this was that they knew he would serve them with fidelity and ability under all circumstances. He was at one time a partner of Judge John M. Gregory, under the firm name of Gregory & Steger. Later on, and for many years, he was with Mr. A. H. Sands, under the firm name of Steger & Sands, and at the time of his death he and his son, Robert H. Steger, were practicing together, whether as partners, or not, I do not know. As before stated, he was a candidate of the secession party for the convention of 1861, but was defeated.

On the death of Colonel Thomas B. Bigger, the old Postmaster of Richmond during the war, he was appointed Postmaster, and served in that office during the rest of the war. There never was a higher, truer or better man, and but few better lawyers, than Mr. Steger.

ALEXANDER HAMILTON SANDS was another distinguished member of this bar. Like Judge Moncure, Conway Robinson, N. P. Howard and others, his early training was in the clerk's office with his elder brother, William G. Sands. That training not only manifested itself in his beautiful handwriting, but in the neat and accurate way in which he prepared his legal papers. He was a devoted member of the Baptist Church, and late in life became a minister of that denomination. He never gave up the practice of the law, however, and by hard work and an unusually consecrated life, performed the combined labors both of the law and the Gospel, and became successful in both of these difficult and seemingly incongruous callings. By assiduous labor, he made himself an excellent Greek scholar, and could read the New Testament in that language almost as fluently as in the English. He was also a good writer, and was the author of two valuable law book—"Sands's Suit in Equity" and "Sands's Forms."

For many years he was a partner of Mr. John Howard, under the firm name of Howard & Sands. When this firm was dissolved, he and Mr. John O. Steger formed a co-partnership under the firm name of Steger & Sands. Later on Mr. Steger retired from the firm, and Judge William Josiah Leake was admitted a partner under the firm name of Sands & Leake, and later still, when Mr. Hill Carter came to the bar he was admitted a partner, and the firm then became Sands, Leake & Carter.

JOHN HOWARD was another prominent member of this bar. He was a good lawyer and fine student, and consequently a good scholar. He was very painstaking in the preparation of his cases, and his briefs in the Court of Appeals were exhaustive of the cases and authorities, and very dangerous to his opponents. He was thought by some to be haughty and somewhat exclusive in his bearing, but my relations with him were always of the most pleasant character. As before stated, for many years he was a partner with Mr. A. H. Sands, under the firm name of Howard & Sands.

COLONEL JOHN B. YOUNG was another distinguished member of this bar. He and Judge Meredith graduated about the same time from the University of Virginia with the degree of Master of Arts, and soon after coming to the bar they formed a co-partnership under the firm name of Meredith & Young, which I believe continued until Judge Meredith went on the bench. For many years, Colonel Young was the Prosecuting Attorney for Henrico County, and he became justly noted for his ability and thoroughness as a prosecutor. But his thoroughness and ability were by no means confined to any department of the law; he was a thorough lawyer in every branch of the profession, and, without any pretensions to oratory, was an able and convincing advocate. Unlike many good lawyers who present only the strong points of their cases, Colonel Young's habit was to present every point that occurred to him, and especially was this the case in arguing his cases before a jury. His reasons for this, as he explained, were that as there were "many men of many minds," what might strike one mind would not make an impression on another, and so he said he "took all the chances," and was generally successful. He prosecuted the famous Jeter Phillips' case, to which I have before alluded, both in the lower court and in the Court of Appeals, and notwithstanding the masterly defence conducted by Judge Crump and Messrs. Johnson and Guigon, the prisoner was hung. Henry J. Smith was the sheriff of Henrico when Phillips was hung. He was a kind-hearted man, and when he had pinioned the prisoner's hands behind him and adjusted the black cap over his face, with the tears streaming from his eyes and with great emotion he seized one of the pinioned hands and said, "Good-bye, Jeter, good-bye, old fellow, take good care of yourself," and with this injunction ringing in his ears, the trap was sprung and Phillips was launched into eternity.

Colonel Young was a member of the convention of 1861, and signed the ordinance of secession, although he was not in favor of seceding until Mr. Lincoln's proclamation had been issued calling for troops to coerce the seceding states.

He was a true man in every walk of his stainless life, and was an ornament to his profession in all of its varied departments.

COLONEL THOMAS P. AUGUST was not only a distinguished mem-

ber of this bar, but he was, by all odds, the most versatile, genial and popular man at the bar. Every one seemed to love Tom August, as he was familiarly called, and he was literally the "toast of the town." He was a protégé of Mr. James Lyons, had studied law in his office and, at the time of his death, was his law partner, although when I first knew him he was a partner of George W. Randolph, under the firm name of August & Randolph. He was a lawyer of ability, a delightful speaker, and not only captivated the juries with his brilliant presentations, but his manner was so persuasive, courteous and kind that he was almost irresistible before any tribunal or any audience. Of course, he had a large practice and a large following in the city, and could get any office and almost anything else he wanted.

He was one of the most noted wits of his day, and many of his bright sayings still live, although he has been dead nearly forty years. I can only give you one or two illustrations of these: He was on one occasion defending a criminal on a charge of having killed a man with a walking cane. The commonwealth had proved that the cane when caught up by the prisoner was in a corner of the room opposite to that established by the testimony of the defence. The weight of the testimony seemed to confirm the contention of the prosecution. August, seeing the effect of this, interposed with the remark that the testimony had shown that the cane was a *walking* cane, and hence the apparent discrepancy was explained amidst the convulsions of the jury, if not to the satisfaction of the court. On another occasion he was defending a suit for damages for allowing filthy water to flow from one lot on that of another. The plaintiff had proved that the water was filthy and created a bad smell; but the defense showed that the smell could not have been from the water, because to go on the adjoining lot it would have had to run uphill. August at once explained that from the plaintiff's own evidence the water was strong enough to run uphill.

When Miss Hallie Haxall, a noted belle of her day, was engaged to be married to Rev. Henry A. Wise, Jr., she was being courted at the same time by a Mr. Morrison. August was a friend of hers, and gave Miss Hallie this advice:—

"Haste, O sinner to be Wise,  
"Stay not for the Morrison (morrow's sun)."

He was fond of his cups; indeed, that was his only weakness. At the time of his death, which occurred on the 31st of July, 1869, about midnight, it is said some one standing by his bedside remarked, "It is nearly the first of August." He said, "Yes, and nearly the last of August, too."

Notwithstanding his apparently frivolous nature, he was an enterprising and useful citizen, ever ready to serve his city and state in any capacity in his power. He represented Richmond in the State Senate and in the Council, and always with fidelity and ability. He was the Brigadier-General commanding the militia when the war broke out, and was in command of the volunteers when it was thought the "Pawnee" was coming up the James on a Sunday long to be remembered by those who were here at the time. When the war broke out, he was made Colonel of the Fifteenth Virginia Infantry, and was disabled by a wound received at Malvern Hill or Seven Pines, I am not sure which. He subsequently held some position in the Ordnance Department during the rest of the war. No one was more sincerely missed and mourned by the bar, and, indeed, by the whole city, then he was when he died.

JOHN HARMER GILMER, SR., was another prominent member of this bar, and it was commonly said of him that he came very near being a great man. He was an accomplished man and a good speaker, but was generally thought to be visionary, and for that reason, I suppose, never had a large practice. He was the only Douglas democrat of prominence that I remember in Richmond in the great quadrangular contest for the presidency in 1860 when Mr. Lincoln was elected.

He was a kind-hearted, genial gentleman and, deservedly, had many friends and admirers.

JOHN HARMER GILMER, JR., his son, came to the bar very soon after the war, and was heralded with a "flourish of trumpets" by his father and other admirers as a rising young lawyer and prodigy. He ran for the legislature against Judge Crump, but was defeated. He died very young and before he had time to develop and show just what there was in him to warrant the great expectation of his admirers.

JOHN G. WILLIAMS was another prominent and distinguished member of this bar. Many thought and said he was the best *nisi prius* lawyer we ever had at the bar, and one can judge from the readiness with which he tried all kinds of cases and met all kinds of issues, that this opinion was well founded. I remember hearing Judge Crump say he was the most satisfactory lawyer to consult with he had ever known; that he almost always saw at a glance the real point on which the case would turn, and that often when he (Crump) had built up what he considered a sound theory of the case, Mr. Williams would by a word prick that theory as if it were a bubble.

He was counsel for the famous mule trader of his day Benjamin W. Green. I have seen as many as a hundred suits brought against Green at a single term of Judge Meredith's court, and nearly all of these on protested notes. It was said of Green that he would buy the City of Richmond on three months' time, and Mr. Williams's great object was to get Green's cases continued; and with his pockets filled with "affidavits of materiality" of witnesses who were frequently absent, he generally succeeded in getting the "breathing spell" his client needed.

He could detect a defect in the pleadings of his opponent at a glance, and was, therefore, a terror to the loose or incompetent practitioner. He practiced his profession on the very highest plane and solely for the love of it, and not for money or for fame. Indeed, he seemed to despise money, and I have heard it said that his clients dare not say anything to him on the subject of fees for fear of being insulted, or if they did say anything on that subject, he would invariably refer them to his more practical partner, Mr. Eaton Nance. The firm of Nance & Williams did one of the largest practices ever done at this bar.

Mr. Williams was one of the most modest men, and at the same time one of the most meritorious in every sense of that word, that I ever knew. He was painfully diffident, especially in the presence of ladies, and it was said that if a lady came into the front door of his office he would vanish either through the back door or window or in some other way, and that his lady clients could only confer with him through his partner, or by proxy of some kind.

He was an effective speaker both before the courts and juries, and argued his cases before the Court of Appeals with signal ability. I remember hearing him argue the case of *Sterns v. Taylor*, 18 Gratt., involving the constitutionality of the Virginia "stay law," and seeing him fall in his tracks from exhaustion whilst speaking in that case.

EATON NANCE was another prominent member of this bar, and, as just stated, was the senior of the firm of Nance & Williams for many years.

Mr. Nance was the practical and financial member of the firm of Nance & Williams, which, as before stated, did an enormous practice, not only in Richmond, but in nearly all the adjoining counties, and he and his partner literally worked themselves to death in carrying on this practice. He was an excellent lawyer, a high-toned gentleman, and practical and sensible in all the affairs of life.

ROBERT R. HOWISON was also a distinguished and prominent member of this bar. Whilst I don't think he was regarded as a very safe lawyer, he was certainly a fertile and ingenious one, and did a large and lucrative practice. He was a man of decided culture, had studied for the ministry, and written a good history of Virginia before he came to the bar. He formed a co-partnership with James N. Dunlop, under the firm name of Howison and Dunlop when the latter came to the bar, and this firm also did a good practice. Mr. Howison was seriously injured in the Capitol disaster, and in consequence of these injuries, retired from the bar. After getting well, he resumed his work in the ministry, and was regarded as an able preacher. He was a great controversialist, and being a skilled parliamentarian, and presbyter, was a terror to some of the loose-jointed" in the church courts.

He published some other works after leaving the bar, among them a history of the United States.

JAMES N. DUNLOP was another prominent member of this bar. He was a good lawyer, a chivalrous, cultivated gentleman, and at times an eloquent speaker. As just stated, he was a partner of Mr. Robert R. Howison, and the firm did a large practice. He represented this city most acceptably in the legislature, and was

frequently spoken of as a candidate for Congress. He was a gallant Confederate soldier, and was deservedly popular. He was a man of the very highest character and of the nicest and most sensitive feelings of propriety that I have ever known.

COLONEL JOHN H. GUY was another prominent member of this bar. He was a native of Louisa County and did not come here to live until a year or two after the war. He was a most accomplished lawyer and gentleman, and would have adorned any position either on the bench or at the bar. With but little attempt at oratory, he argued his cases with a skill and lucidness which could hardly have been excelled. His manner was of a plausible and persuasive character, and for that reason, he was almost irresistible before the courts and juries. He was especially considerate of, and kind to, the younger members of the bar, and in a memorial written of him shortly after his death, I said, that "if a monument could be reared to his memory out of the materials furnished by him in establishing the reputation of others, it would reach almost to the heavens."

For several years before his death, he could neither stand nor walk, but his mind was as active and clear as it ever was, and so he kept up his law practice and still held his host of clients.

Notwithstanding the fact that he had to sit down to argue his cases, he was as forceful and effective in the presentation of them as ever.

At the beginning of the war, he raised a company of artillery, and went at once into the Confederate Army as its captain. He, with a part of his command, were captured at Fort Donelson, and whilst in prison he kept a most interesting diary and wrote a graphic account of the capture of Fort Donelson, in which he criticised, justly no doubt, the conduct of some of the Confederate leaders. After his release from prison, he returned to the army and behaved with such gallantry, that the close of the war found him with the rank of Lieutenant-Colonel of Artillery.

Shortly after coming to Richmond, he formed a co-partnership with Marshall M. Gilliam, Esq., under the firm name of Guy & Gilliam, which was only dissolved by his death.

After the term of Gilbert C. Walker as Governor of Virginia expired, Walker and Colonel Guy were opposing candidates for

the Democratic nomination for Congress. Colonel Guy did not enter the canvass until Walker had pretty well covered the field, and was, consequently, defeated.

Colonel Guy was a public-spirited and useful citizen and served the city both in the legislature and council, and everywhere and at all times with signal fidelity and ability.

GENERAL BRADLEY T. JOHNSON was for many years a prominent and distinguished member of this bar. As is well known, he was a native of Maryland, but having espoused the Confederate cause, he came promptly South with the "Maryland line" to help in its defence. He was as gallant a soldier as any in the Confederate army, and was complimented for his gallantry and efficiency by Generals Lee, Jackson and Ewell.

After the war he settled here, and very soon had a large and lucrative practice. He was an able lawyer, and fertile and resourceful to a degree.

He was very public-spirited and useful, and represented the city both in the council and in the legislature, and always with signal fidelity and ability. He was one of the most charitable and hospitable citizens Richmond ever had, and was ever ready to contribute both with his means and his mind to the advancement of the best interests of the city and state.

COLONEL WILLIAM WESTMORE GORDON was another distinguished member of this bar. He was a native of Essex County, Virginia, but previous to coming to Richmond, had lived for several years in New Kent. He came here in the early seventies, and at once took a very high position at this bar. Before the war he had lived and practiced his profession in Greenbrier County, now West Virginia, at which bar he also held a high position especially in controversies about titles to real estate. Indeed, we believe it is universally conceded that Colonel Gordon was not only a very profound lawyer in that line, but that he had one of the clearest, most trenchant and, in many ways most extraordinary, minds of any lawyer at the bar of this state. Certainly he could grasp legal principles as quickly and state his propositions with as much clearness and force as any one to whom we have ever listened. I shall never forget his argument in the famous "*Bettie Lewis*" case, as it was called.

The court was, naturally, prejudiced against our side of that case, which involved the maintenance of a gift of more than two hundred thousand dollars by a father to his natural daughter, made by the delivery to her of the keys of the safe in which the securities representing that gift were deposited. The proof on which the gift depended mainly was the evidence of one witness, a half-white bastard girl, the companion of the donee, but whose testimony was corroborated at many material points. We won the case, both in the Chancery Court (Judge Leake then presiding) and in the Court of Appeals; and I have always thought the victory was largely due to the great arguments made by Colonel Gordon and Judge Burks, both of whom were of counsel in the case.

Colonel Gordon was of counsel for what is now the Southern Railway Company, and was engaged in most of the leading cases involving railroad litigation of his day.

He was negligent of his apparel, and on one occasion was about to be removed from the bar of a city in which he was a stranger by the sheriff; but when it came to his turn to argue the case, his powers were so fully recognized that his place at that, or any other bar, would have been accorded in the very first rank.

He was an authority, especially on corporation law and the law involving titles to real estate, to which branches of the law he had devoted special attention, and he was truly a great lawyer in any case to which he gave his attention.

He was a graduate of the Virginia Military Institute, and at the beginning of the war raised a company and went at once to the front. He was soon thereafter made the Colonel of the Twenty-seventh Virginia Infantry, but his health soon failed, and he had to abandon service in the field entirely. He was complimented for his conduct on the field of First Manassas by General "Stonewall" Jackson.

My office adjoined his for many years, and, therefore, I came to know him intimately, and to be greatly attached to him. He was one of the most genial, companionable men that I ever knew, and whilst he did not have a great many intimate friends, those who knew him best were devotedly attached to him. He was a man of exceptionally high character, and always practiced his profession on the very highest plane.

GEORGE W. RANDOLPH was another prominent and distinguished member of this bar. He was a grandson of Thomas Jefferson and a son of Thomas Mann Randolph of Tuckahoe, at one time the Governor of Virginia. When I first knew him, he was partner of Colonel Thomas P. August, under the firm name of August & Randolph, and that firm was recognized as one of the strongest then at this bar. He was a graduate of the Naval Academy at Annapolis, and whilst a close student of the law, he was also a patriot and a student of military and political affairs as well. When the "John Brown Raid" occurred, he organized the afterwards famous company of Richmond Howitzers, and with it as its first captain went to Harper's Ferry. When the war broke out, this company rapidly grew to a battalion of three companies, of which he was made the major. The company was so named from the fact that its first guns were twelve-pounder boat howitzers, with the effectiveness of which Randolph was familiar at Annapolis. A part of this command fired the first gun fired on Virginia's soil, and the history of it is a part of that of the Army of Northern Virginia from "Bethel to Appomattox."

Shortly after the battle of Bethel, in which Randolph commanded the artillery, he was promoted, first to the rank of colonel, and then to that of Brigadier-General, and early in 1862 he was made the Secretary of War of the Confederacy. General Randolph was a lawyer of the first rank, and a first-class man in every way. He was a secessionist *per se*, and, as before stated, was elected as such by the influence of the Howitzers to the convention of 1861, his colleagues being William H. Macfarland and Marmaduke Johnson, both union men. He was also chosen as one of the three commissioners sent by the convention to Washington to confer with Mr. Lincoln on his inauguration to ascertain, if possible, what course he intended to pursue towards the states which had already seceded. I remember very distinctly hearing him on his return from Washington describe his interview with Mr. Lincoln and the bad impression he made on him and his associates, the Honorable William Ballard Preston and Alexander H. H. Stuart. It may not be amiss to record here a part of the statement made by Mr. Stuart about the momentous interview

between these commissioners and Mr. Lincoln when urging him to pursue a conciliatory course towards the seceded states and to evacuate Forts Sumter and Pickens. Mr. Stuart says:

"Lincoln made the objection that all the goods would be imported through the ports of Charleston and the sources of revenue dried up. I remember," says Mr. Stuart, "that he used this homely expression: 'If I do that, what will become of my revenue? I might as well shut up housekeeping at once.'" But, says Mr. Stuart further, "His declarations were distinctly pacific, and he expressly disclaimed all purpose of war."

And Mr. Seward, his Secretary of State, and Mr. Bates his Attorney-General, gave these commissioners the same assurances that Mr. Lincoln had given them. It turned out, however, that the same train which brought the commissioners back to Richmond that night, brought Mr. Lincoln's proclamation calling on Governor Latcher to furnish Virginia's quota of troops to coerce the seceded states. Mr. Stuart says this proclamation was carefully concealed from the commissioners, although it was actually in print when they were consulting with Mr. Lincoln and his Secretaries. He says further, that when he first saw the proclamation in the papers the next morning, "He thought it must be a mischievous hoax, for (says he) I could not believe Lincoln guilty of such duplicity." But we know it was the same kind of duplicity practiced by both Lincoln and Seward on the commissioners sent by the Confederate Government from Montgomery to treat with them about the evacuation of Fort Sumter but a few days before that time.

Although General Randolph's administration of the War Offices of the Confederacy was both able and efficient, he resigned early in 1863, principally on account of his failing health, and subsequently went to Europe, whence he returned shortly after the war to die.

COLONEL JOHN THOMPSON BROWN, whilst a very young man when the war commenced, was fast forging to the front rank as a lawyer at this bar. He went to Harper's Ferry as a private with the Howitzers at the time of the John Brown Invasion, and at the

breaking out of the war, when the Howitzers were recruited to a battalion of three companies, he was made the captain of the Second Company (my old company) and mustered into the Confederate service on April 21st, 1861. He commanded the detachment sent to Gloucester Point on May 7th 1861, which fired the first gun on Virginia's soil on that day at the gunboat "Yankee" trying to ascend the York River. This shot was fired with such accuracy and affect, that Mr. Fox, the Assistant Secretary of the United States Navy, who was on the "Yankee" at the time, afterwards published an account of it in the "New York Herald," in which he stated "that the vessel was fired from works mounted with Columbiads." The *Columbiad* was only a twelve-pound rifle boat howitzer, but this only illustrates how little the people, both of the North and the South knew about war at that time.

On the promotion of General Randolph, Brown was first made Major, then Lieutenant-Colonel, and, on the formation of the First Regiment of Virginia Artillery, he was made its Colonel.

He was an excellent man, a gallant soldier, had the confidence of his men and superior officers, and had made for himself and his command a fine reputation, when he was killed whilst reconnoitering for a position in which to place one of his batteries on May 6th, 1864, when Grant's army crossed the Rapidan.

[TO BE CONTINUED.]